REMARKS

Claims 1-16 remain in this application. Claims 1, 2, 9, 11-13, 15 and 16 have been amended. In addition, the specification has been amended to correct noted typographical errors.

I. OBJECTIONS TO THE DRAWINGS

Figure 1 was objected to as not containing sufficient descriptive detail. In particular, the boxes in Figure 1 did not include any text to enable understanding or explanation of the claimed invention. In response, Applicant is submitting amended Figure 1 on a Replacement Sheet herewith that does include text within the boxes.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 2, 11, 12, 13, 15 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended Claims 2, 11, 12, 13, 15 and 16 in accordance with the Examiner's suggestions. Therefore, Applicant respectfully requests the Examiner to withdraw the § 112 rejections to Claims 2, 11, 12, 13, 15 and 16.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-11 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner found that the steps of estimating, translating, determining and forecasting could be interpreted as involving no more than a manipulation of an abstract idea, and therefore, the claimed invention as a whole does not produce a "useful, concrete, and tangible result." In addition, the Examiner found that the language "may be" when referring to the claimed network elements further emphasized the lack of concrete results.

In response, Applicant has amended Claim 1 to remove the language "may be" therefrom. In addition, Applicant has amended Claim 1 to now recite "generating a forecasted profit and loss statement based upon said demand for said plurality of services, said network growth and said financial metrics," which is a useful, concrete and tangible result of the method of Claim 1.

IV.   REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 2 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Behrens et al. (U.S. Patent No. 7,082,401 B2) in view of Carlson et al. (U.S. Patent Application Publication No. 2006/0120282). Claims 3-10 and 12-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Behrens et al. in view of Carlson et al. and further in view of Stutely (Stutley, Richard, "The Definitive Business Plan," Second Edition, FT Press, April 23, 2002). Applicant respectfully submits that these rejections are overcome for the exemplary reasons provided below.

Independent Claim 1 recites: "*translating said demand for said plurality of services into required bandwidth flows using forecasted data to determine network elements for use in said network over said period of time to provide said plurality of services*" (emphasis added). Applicants note that similar recitations can be found in independent Claim 12. Applicants respectfully submit that the above-quoted feature is not taught or suggested by the combination of Behrens and Carlson.

On Page 7 of the Office Action, the Examiner admits that Behrens does not teach "translating said demand for plurality of services into required bandwidth flows," and cites Carlson as teaching such a feature. However, in Carlson, the bandwidth flows are predicted using past bandwidth consumption and/or past bandwidth requests. (*See, Carlson, paragraph [0095]*). The bandwidth flows are not predicted using any type of forecasted data.

In view of the foregoing discussion, Applicant respectfully submits that the combination of Behrens and Carlson does not teach or suggest each and every element of independent Claims 1 and 12 (and their dependent Claims) arranged as they are in the claims. In addition, Stutely fails to remedy the above-described deficiencies of the combination of Behrens and Carlson by failing to teach or suggest any mechanism for "*translating said demand for said plurality of services into required bandwidth flows using forecasted data to determine network elements for use in said network over said period of time to provide said plurality of services.*" Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejections of Claims 1-16.

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Holly Rudnick at (214) 387-8097.

Respectfully submitted,

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